

FISCAL COMMITTEE OF THE GENERAL COURT

MINUTES

November 20, 2020

The Fiscal Committee of the General Court met on Friday, November 20, 2020 at 10:00 a.m. via audio conference.

Members in attendance were as follows:

Representative Mary Jane Wallner, Chairman
Representative Ken Weyler
Representative Susan Ford
Representative Peter Leishman
Representative Erin Hennessey (Alternate)
Senator Lou D'Allesandro
Senate President Donna Soucy
Senator Jay Kahn
Senator Cindy Rosenwald
Senator Chuck Morse

The audio conference convened at 10:03 a.m., with the assistance of Fallon Reed at the Department of Safety and Michael Kane, Legislative Budget Assistant.

OFFICIAL AUDIO CONFERENCE MEETING PROCEDURES:

The Chair opened the meeting with the following Right-to-Know checklist;

“Due to the state of emergency declared by the Governor as a result of the Covid-19 Pandemic, and in accordance with the Governor's Emergency Order #12, pursuant to Executive Order 2020-04 as extended, this public body is authorized to meet electronically. Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order.”

“However, in accordance with the Emergency Order, I am confirming that we are; A) providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means. We are utilizing VAST Conference for this remote meeting.”

“All Members of the Committee and the staff of State Agencies with agenda items have the ability to communicate contemporaneously during this meeting through this platform and the public has access to contemporaneously listen and, if necessary, participate in this meeting by dialing the following number: 1-800-356-8278 and the six digit conference code 125563 followed by the pound (#) sign.”

“B) Providing public notice of the necessary information for accessing the meeting. We previously gave notice to the public of the necessary information for accessing the meeting telephonically. Instructions have been provided in the House and Senate calendars, the Fiscal Committee agenda, and the website of the Office of the Legislative Budget Assistant.”

“C) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access. If anyone has a problem, please e-mail NHeoc@dos.nh.gov.”

“D) Adjourning the meeting if the public is unable to access the meeting. In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled. Please note that all votes taken during this meeting shall be done by a roll call vote”

ATTENDANCE ROLL CALL:

The Chair announced the meeting would start by taking the roll of attendance and that Members state their presence, and state whether there was anyone in the room with them during the meeting as required under the Right-To-Know Law.

Representative Weyler, as clerk, called the Roll of voting members.

Representative Wallner – Present/at home in Concord, alone

Representative Ford – Present/in Easton, alone

Representative Leishman – Present/ in Peterborough, alone

Representative Weyler – Present/in his car at the DOT in Concord

Representative Hennessey (Alternate for Representative Ober) – Present/at home in

Littleton and her family are in the house and will be in and out of the room

Senator D’Allesandro – Present/at home in Manchester, alone

Senate President Soucy – Present/at home in Manchester, alone

Senator Kahn – Present/at home in Keene, his wife was elsewhere in the house

Senator Rosenwald – Present/at home and her husband was in the room

Senator Morse – Present/in his office in Atkinson, alone

ACCEPTANCE OF MINUTES:

On a motion by Senator Kahn, seconded by Senator Soucy, that the minutes of the October 9, 2020 and October 16, 2020 meetings be accepted as written.

A roll call was taken, and the results were as follows:

Representative Ford – Yes

Representative Leishman – Yes

Representative Weyler – Yes

Representative Hennessey (Alternate) – Yes

Senator D’Allesandro – Yes

Senate President Soucy – Yes

Senator Kahn – Yes

Senator Rosenwald – Yes

Senator Morse – Abstained

Representative Wallner – Yes

(9-Yes; 1-Abstained)

MOTION ADOPTED.

OLD BUSINESS:

On a motion by Senator Morse, seconded by Representative Weyler that the Committee remove from the table FIS 20-209 Department of Education – authorization through June 30, 2021 to; 1) accept and expend \$10,114,548 in federal grant funds, and 2) establish two (2) full time temporary positions consisting of; a Program Specialist III (LG 23) and an Administrator I (LG 27), tabled 10/16/2020.

A roll call was taken, and the results were as follows:

Representative Ford – No
Representative Leishman – No
Representative Weyler – Yes
Representative Hennessey (Alternate) – Yes
Senator D’Allesandro – No
Senate President Soucy – No
Senator Kahn – No
Senator Rosenwald – No
Senator Morse – Yes
Representative Wallner – No (3-Yes; 7-No)
MOTION FAILED.

RSA 14:30-a, VI FISCAL COMMITTEE APPROVAL REQUIRED FOR ACCEPTANCE AND EXPENDITURE OF FUNDS OVER \$100,000 FROM ANY NON-STATE SOURCE:
CONSENT CALENDAR

At the request of Senator Rosenwald, FIS 20-251 Department of Health and Human Services was removed from the Consent Calendar.

On a motion by Senator Soucy, seconded by Representative Hennessey, that the Committee approve the remaining requests under this section as submitted. [FIS 20-220 Department of Environmental Services – authorization to accept and expend \$1,500,000 in Drinking Water and Groundwater Trust Funds through June 30, 2021, FIS 20-221 Department of Natural and Cultural Resources – authorization to budget and expend \$300,000 in other funds through June 30, 2021, FIS 20-226 New Hampshire Fish and Game Department – authorization to accept and expend \$620,000 in federal funds through June 30, 2021, FIS 20-227 New Hampshire Fish and Game Department – authorization to accept and expend a total of \$1,511,600 in federal funds through June 30, 2021, FIS 20-232 Department of Health and Human Services – authorization to accept and expend \$200,000 in federal funds through June 30, 2021, FIS 20-234 Department of Safety – authorization to accept and expend \$256,059 in federal funds through June 30, 2021, FIS 20-243 Department of Agriculture, Markets and Food – authorize the New Hampshire State Conservation Committee (SCC) to accept and expend \$129,769 of additional revenue and budget and expend the remaining \$120,231 from the balance forward revenue, totaling \$250,000 in other funds through June 30, 2021, FIS 20-244 Department of Health and Human Services – authorization to accept and expend \$212,632 in other funds through June 17, 2021, and FIS 20-247 Department of Transportation – authorization to budget and expend \$237,729 in other funds through June 30, 2021]

A roll call was taken, and the results were as follows:

Representative Ford – Yes
Representative Leishman – Yes
Representative Weyler – Yes
Representative Hennessey (Alternate) – Yes
Senator D’Allesandro – No response
Senate President Soucy – Yes
Senator Kahn – Yes
Senator Rosenwald – Yes
Senator Morse – Yes
Representative Wallner – Yes
Senator D’Allesandro – Yes (10-Yes; 0-No)
MOTION ADOPTED.

FIS 20-251 Department of Health and Human Services – Kerrin Rounds, Chief Financial Officer, and Deb Sheetz, Director, Division of Long-Term Supports and Services, Department of Health and Human Services responded to questions of the Committee.

On a motion by Senator Rosenwald, seconded by Senator D’Allesandro, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$121,061 in federal funds through June 30, 2021.

A roll call was taken, and the results were as follows:

Representative Ford – Yes
Representative Leishman – Yes
Representative Weyler – Yes
Representative Hennessey (Alternate) – Yes
Senator D’Allesandro – Yes
Senate President Soucy – Yes
Senator Kahn – Yes
Senator Rosenwald – Yes
Senator Morse – Yes
Representative Wallner – Yes (10-Yes; 0-No)
MOTION ADOPTED.

RSA 7:12, I, ASSISTANTS:

FIS 20-222 Department of Justice – On a motion by Representative Leishman, seconded by Representative Ford, that the Committee approve the request of the Department of Justice for authorization for the Department of Justice to obligate the State to pay non-state attorneys on a contingency fee basis, such contingency fee to be paid from any award of damages the State may obtain from litigation against manufacturers of polychlorinated by-phenyls (“PCBs”), effective

upon approval of the Fiscal Committee of the General Court and the Governor and Executive Council.

A roll call was taken, and the results were as follows:

Representative Ford – Yes
Representative Leishman – Yes
Representative Weyler – Yes
Representative Hennessey (Alternate) – Yes
Senator D’Allesandro – Yes
Senate President Soucy – Yes
Senator Kahn – Yes
Senator Rosenwald – Yes
Senator Morse – Yes
Representative Wallner – Yes (10-Yes; 0-No)
MOTION ADOPTED.

RSA 9:16-a, TRANSFERS AUTHORIZED, AND RSA 14:30-a, VI FISCAL COMMITTEE APPROVAL REQUIRED FOR ACCEPTANCE AND EXPENDITURE OF FUNDS OVER \$100,000 FROM ANY NON-STATE SOURCE, AND CHAPTER 346:223, LAWS OF 2019, TRANSFER OF FUNDS FOR OPERATION OF THE SUNUNU YOUTH SERVICES CENTER:

FIS 20-254 Department of Health and Human Services – Joseph Ribsam, Director, Division of Children, Youth and Families, Department of Health and Human Services respond to questions of the Committee.

On a motion by Senator D’Allesandro, seconded by Representative Ford, that the Committee approve the request of the Department of Health and Human Services to transfer \$1,712,186 in general funds between various class lines, and decrease Federal revenues in the amount of \$97,900 and create new expenditure class codes through June 30, 2021.

A roll call was taken, and the results were as follows:

Representative Ford – Yes
Representative Leishman – Yes
Representative Weyler – Yes
Representative Hennessey (Alternate) – Yes
Senator D’Allesandro – Yes
Senate President Soucy – Yes
Senator Kahn – Yes
Senator Rosenwald – Yes
Senator Morse – Yes
Representative Wallner – Yes (10-Yes; 0-No)
MOTION ADOPTED.

RSA 14:30-a, VI FISCAL COMMITTEE APPROVAL REQUIRED FOR ACCEPTANCE AND EXPENDITURE OF FUNDS OVER \$100,000 FROM ANY NON-STATE SOURCE AND RSA 7:12 ASSISTANTS:

FIS 20-246 Department of Justice – On a motion by Representative Leishman, seconded by Senator Rosenwald, that the Committee approve the request of the Department of Justice through June 30, 2021 to; 1) budget and expend \$580,434 in other funds for the purpose of covering projected shortfalls in general litigation expenses incurred in the defense of the State and the prosecution of criminal laws and 2) upon approval of Request #1, accept and expend a sum not to exceed \$1,837,816 in general fund litigation expenses incurred in the defense of the State and the prosecution of criminal laws.

A roll call was taken, and the results were as follows:

Representative Ford – Yes
Representative Leishman – Yes
Representative Weyler – Yes
Representative Hennessey (Alternate) – Yes
Senator D’Allesandro – Yes
Senate President Soucy – Yes
Senator Kahn – Yes
Senator Rosenwald – Yes
Senator Morse – Yes
Representative Wallner – Yes (10-Yes; 0-No)
MOTION ADOPTED.

RSA 14:30-a, VI FISCAL COMMITTEE APPROVAL REQUIRED FOR ACCEPTANCE AND EXPENDITURE OF FUNDS OVER \$100,000 FROM ANY NON-STATE SOURCE AND RSA 206:33-b, TRANSFERS FROM FISH AND GAME FUND:

FIS 20-228 New Hampshire Fish and Game Department – On a motion by Senator D’Allesandro, seconded by Senator Kahn, that the Committee approve the request of New Hampshire Fish and Game Department through June 30, 2021 to; 1) accept and expend \$966,529 in federal funds, and 2) transfer \$428,399 from the NH Fish and Game Fund Reserve to the Fish and Game FY 2021 Operating Budget.

A roll call was taken, and the results were as follows:

Representative Ford – Yes
Representative Leishman – Yes
Representative Weyler – Yes
Representative Hennessey (Alternate) – Yes
Senator D’Allesandro – Yes
Senate President Soucy – Yes
Senator Kahn – Yes

Senator Rosenwald – Yes
Senator Morse – Yes
Representative Wallner – Yes (10-Yes; 0-No)
MOTION ADOPTED.

MISCELLANEOUS:

FIS 20-250 State Treasury – On a motion by Senator D’Allesandro, seconded by Representative Ford, that the Committee approve the request of the State Treasury, on behalf of the College Tuition Savings Plan Advisory Commission, requests authorization for the release and distribution of the audited financial statements of the UNIQUE College Investing Plan and Fidelity Advisor 529 Plan for the year ended September 30, 2020 upon completion of the audits and prior to the presentation of the audit results to the Fiscal Committee.

A roll call was taken, and the results were as follows:

Representative Ford – Yes
Representative Leishman – Yes
Representative Weyler – Yes
Representative Hennessey (Alternate) – Yes
Senator D’Allesandro – Yes
Senate President Soucy – Yes
Senator Kahn – Yes
Senator Rosenwald – Yes
Senator Morse – Yes
Representative Wallner – Yes (10-Yes; 0-No)
MOTION ADOPTED.

INFORMATIONAL MATERIALS:

At the request of Senator Rosenwald, Kerrin Rounds, Chief Financial Officer, Katja Fox, Director, Division for Behavioral Health, Heather Moquin, Chief Executive Officer, New Hampshire Hospital, Deb Sheetz, Director, Division of Long-Term Supports and Services, and Joseph Ribsam, Director, Division of Children, Youth and Families, Department of Health and Human Services responded to questions of the Committee regarding FIS 20-233 Department of Health and Human Services – Operating Statistics Dashboard SFY21 report through September 30, 2020.

At the request of Senator Kahn, Taylor Caswell, Executive Director, Department of Business and Economic Affairs, responded to questions pertaining to FIS 20-236 Governor’s Office for Emergency Relief and Recovery – Pursuant to RSA 21-P:43, RSA 4:45, RSA 4:47 and Executive Order 2020-04, as extended by Executive Orders 2020-05, 2020-08, 2020-09, 2020-10, and 2020-14, on June 26, 2020, Governor Sununu approved the Governor’s Office of Emergency Relief and Recovery’s (GOFERR) request to transfer \$500,000 in Coronavirus Aid, Relief, and Economic Security (CARES) Act funding to the Department of Health and Human

Services (DHHS) in order for DHHS to administer the NH Frontline Protective Worker Stipend program effective through December 30, 2020 and 2) approved the Department of Health and Human Services' request to accept and expend \$500,000 from GOFERR to administer the NH Frontline Protective Worker Stipend program effective through December 30, 2020.

The informational items were accepted and placed on file.

AUDITS:

State of New Hampshire, Department of Health and Human Services, New Hampshire Hospital, Financial Audit Report For The Nine Months Ended March 31, 2019 – On a motion by Representative Weyler, seconded by Representative Ford, that the Committee accept the report, place it on file, and release in the usual manner. Presentation was postponed for a future date.

A roll call was taken, and the results were as follows:

Representative Ford – Yes
Representative Leishman – Yes
Representative Weyler – Yes
Representative Hennessey (Alternate) – Yes
Senator D'Allesandro – No response
Senate President Soucy – Yes
Senator Kahn – Yes
Senator Rosenwald – Yes
Senator Morse – No response
Representative Wallner – Yes
Senator D'Allesandro – Yes
MOTION ADOPTED. (9-Yes; 0-No)

DATE OF NEXT MEETING AND ADJOURNMENT:

The next regular meeting of the Fiscal Committee will be at the Call of The Chair. (Whereupon the meeting adjourned at 11:03 a.m.)

/s/ Ken Weyler

Representative Ken Weyler, Clerk